

County Counsel

Anthony J. La Bouff, County Counsel

MISSION STATEMENT

To provide high-quality legal advice, representation and counsel to the Board of Supervisors, County officers and departments, various boards and commissions, and special districts in order to assist those making decisions for the public good and to vigorously represent the County in litigation.

COUNTY COUNSEL FUND 100 / APPROPRIATION 10450

	Actual 2001-02	Actual 2002-03	Requested 2003-04	Recommended 2003-04	Change %	Adopted 2003-04
Expenditures						
Salaries and Employee Benefits	\$ 1,695,956	\$ 1,939,232	\$ 2,434,967	\$ 2,442,598	26%	\$ 2,442,598
Services and Supplies	194,148	250,411	552,471	419,750	68%	419,750
Intra Fund Charges	1,374	530	3,023	1,523	187%	1,523
Gross Budget:	1,891,478	2,190,173	2,990,461	2,863,871	31%	2,863,871
Intra Fund Credits	(602,423)	(673,900)	(821,280)	(821,280)	22%	(821,280)
Net Budget:	\$ 1,289,055	\$ 1,516,273	\$ 2,169,181	\$ 2,042,591	35%	\$ 2,042,591
Revenue						
Charges for Services	\$ 600,580	\$ 678,533	\$ 542,630	\$ 542,630	-20%	\$ 542,630
Miscellaneous Revenue	24,193	2,871	-	-	-100%	-
Total Revenue:	\$ 624,773	\$ 681,404	\$ 542,630	\$ 542,630	-20%	\$ 542,630
Net County Cost:	\$ 664,282	\$ 834,869	\$ 1,626,551	\$ 1,499,961	80%	\$ 1,499,961
Allocated Positions	21	22	23	22	0%	22

CORE FUNCTIONS

County Counsel Services

Provides legal advice to the Board of Supervisors, county officers and departments, various boards and commissions, and special districts by attending and participating in meetings and hearings, by responding to questions with legal opinions both orally and in writing, by reviewing contracts and other documents required for county business, and by preparing ordinances.

The office provides effective legal counsel, assessment, preparation and advocacy by representing the County in litigation, including child and adult protective services, mental health, public guardian and public administrator, and in tort, contract, and writ actions.

FY 2002-03 Major Accomplishments

- Counseled the Personnel Department and the County Executive Office in the development of County processes for addressing the Americans with Disabilities Act (ADA), leave, disability and other workplace issues to ensure compliance with applicable law.
- Participated in the implementation of the Placer Legacy Program, the Dry Creek Community Facilities District, and the South Placer Regional Transportation Authority to accomplish the goals of the Board.
- Assisted the County Finance Committee in a significant bond issuance involving the securitization of tobacco-settlement revenue in order to fund County facility needs at the direction of the County Executive Office.

Administration & Financial Services

County Counsel

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- Provided guidance and assistance to Health and Human Services to assist the department in the development of the In-Home Supportive Services (IHSS) Public Authority and implementation of the Federal Health Insurance Portability and Accountability Act (HIPAA) for compliance with the law.
- Assisted the Personnel Director and the County Executive Officer in labor-relation issues, disputes and negotiations.
- Represented the County and county employees in tort litigation, including obtaining a defense jury verdict in Becker v. County and summary dismissals in a series of cases brought against County law-enforcement departments over the enforcement of criminal marijuana laws.
- Defended Board of Supervisors' decisions in a number of land use writ actions, and assisted in improvements to the administrative processes in code enforcement and bail-bond collections
- Represented the Department of Health and Human Services in 384 new Child Protective Services proceedings and 612 ongoing dependency cases.
- Assisted the Finance Committee in the development of a County Debt Policy, Financial and Budget Policy, and Capital Facility Financing Plan.
- Successfully represented the Department of Health and Human Services in public administrator matters.

FY 2003-04 Planned Accomplishments

- Maintain the highest quality of services while providing timely responses to requests for legal services and effective representation to meet the County's changing needs.
- Continue to vigorously defend and prosecute actions on behalf of the County, its departments, officers and employees in tort, non-tort and social-services litigation, and to increase training on legal issues.
- Assist in the implementation of the HIPPA to assure privacy, security, confidentiality in County processes, and develop protocols and institute training for County employees.
- Develop a mechanism for coordination of land use issues so that legal advice can be provided at the earliest opportunity.
- Assist in the preparation of a habitat conservation plan and a natural communities conservation plan and in the development of the governing structure and funding mechanism for the Placer Legacy Program.
- Expand training on Brown Act and Public Records Act to Placer County staff, special districts and the Grand Jury.
- Increase the frequency on ongoing training of social workers and have attorneys meet with social-worker teams on a quarterly basis to resolve issues before court intervention.
- Purchase and implement a case-management system to improve both the efficiency and the accountability of legal services provided by the department.

Department Comments

The legal environment in which we practice has become more complex with the passing of each fiscal year. The mandates of statutory law and the interpretation of those laws by the Courts have dramatically increased over the past 10 years. We expect this trend to continue into the future. The greatest challenge that we face is in continuing to improve the efficiency of our services so that we can meet our responsibilities within the constraints of the budget. We continue to believe that the legal services provided by our office are of the highest quality and delivered on a much more cost-effective basis than legal services available through outside providers.

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County Executive Comments And Recommendations

The net unreimbursed cost of this budget has increased over FY 2002-03 even though reimbursements from subvented customers and the General Liability Fund (for tort-related litigation services) have generally kept pace with the normal cost increases associated with providing high-quality services in an increasingly complex legal environment. While the recommended budget provides sufficient funding for the current level of staffing, professional services, supplies and equipment, it does not include funding for a requested clerical position to support general-office functions, nor does it include funding for a case-management system to automate many specialized legal processes of the office and provide better performance and cost-accounting information. Although there are compelling countywide funding constraints, if funding does become available, it is recommended that the case-management system be funded so that the department may benefit from readily available technology intended for a legal organization (subject to review by the Information Technology Steering Committee).

Department requested funding considerations for Final Budget:

- Case Management Software (\$40,000)

Final Budget Changes from the Proposed Budget

None.

CORE FUNCTION: COUNTY COUNSEL

Advisory Legal Services Program

Program Purpose: To provide timely and accurate legal advice to the Board of Supervisors, the County Executive Office, county boards and commissions, county officers and departments and special districts in response to oral and written requests in order to assist those making decisions for the public good.

Total Expenditures: \$1,547,239

Total Staffing: 11.9

- **Key Intended Outcome:** County departments, officer and employees are effectively represented through legal counsel.

Advisory Legal Services Indicators:	Projected 2002-03	Actual 2002-03	Target 2003-04
# of hours of legal services	N/A	N/A	N/A
#/% of hours of legal services for the Land Use Services System	3,248	N/A	3,248
#/% of hours of legal services for the Health and Human Support Services System	1,530	N/A	1,530
#/% of hours of legal services for the Public Protection Services System	940	N/A	940
#/% of legal services for the Administration and Financial Services System	2,872	N/A	2,872
#/% of hours of legal services for the Community and Cultural Services System	850	N/A	850
% of client who rate quality and timeliness of services provided as good or better	N/A	N/A	95%

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Litigation Program

Program Purpose: To provide effective legal counsel to County agencies and employees, including child and adult protective services, mental health, public guardian and public administrator matters, and in tort, contract, and writ actions in order to provide successful defense of actions that minimize settlements and judgments, and successful prosecution of actions to recover County funds or enforce County ordinances.

Total Expenditures: \$1,443,222

Total Staffing: 11.1

- **Key Intended Outcome:** Successful defense of actions that minimize settlements and judgments, and successful prosecution of actions to recover County funds or enforce County ordinances to protect children and vulnerable adults.

Litigation Indicators:	Projected 2002-03	Actual 2002-03	Target 2003-04
#/% of tort cases	51	N/A	51
#/% of non-tort cases	41	N/A	41
#/% of new child-protection services cases	384	N/A	384
#/% of ongoing dependency cases	612	N/A	612
#/% of conservatorship cases	181	N/A	181
#/% of public-administrator cases	60	N/A	60
% of client who rate quality and effectiveness of services provided as good or better	N/A	N/A	95%

**COUNTY COUNSEL
APPROPRIATION SUMMARY
Fiscal Year 2003-04**

ADMINISTERED BY: COUNTY COUNSEL

Appropriation	FY 2002-03		FY 2003-04	
	Actual	Position Allocations	BOS Approved Budget	Position Allocations
GENERAL FUND County Counsel	\$ 1,516,273	22	\$ 2,042,591	22
TOTAL ALL FUNDS	\$ 1,516,273	22	\$ 2,042,591	22

County Counsel

General Fund

Fund: 100

Subfund: 0

Appropriation: 10450

Budget Category (1)	Actual 2001-02 (2)	Actual 2002-03 (3)	Dept Req 2003-04 (4)	CEO Rec 2003-04 (5)	BOS Adopted 2003-04 (6)
Salaries & Benefits					
1002 Salaries and Wages	1,370,326	1,544,506	1,828,092	1,797,096	1,797,096
1003 Extra Help	4,444	4,006	11,800	6,600	6,600
1005 Overtime & Call Back	305	253	1,900	1,900	1,900
1006 Sick Leave Payoff		5,182			
1011 Salary Savings			(33,065)		
1300 P.E.R.S.	96,514	107,913	219,931	226,434	226,434
1301 F.I.C.A.	95,810	106,140	139,849	138,128	138,128
1310 Employee Group Ins	118,657	163,946	245,240	252,492	252,492
1315 Workers Comp Insurance	9,900	7,286	21,220	19,948	19,948
Total Salaries & Benefits	1,695,956	1,939,232	2,434,967	2,442,598	2,442,598
Services & Supplies					
2051 Communications - Telephone	19,088	20,356	23,753	23,753	23,753
2290 Maintenance - Equipment	430	533	500	500	500
2291 Maintenance - Computer Equip	264		1,200	1,200	1,200
2439 Membership/Dues	5,671	14,560	13,135	13,135	13,135
2481 PC Acquisition		1,258	16,400	10,400	10,400
2511 Printing	5,480	5,429	6,040	6,040	6,040
2522 Other Supplies	941	3,127	6,995	6,995	6,995
2523 Office Supplies & Exp	7,009	7,944	10,500	10,500	10,500
2524 Postage	1,788	2,183	4,525	4,525	4,525
2555 Prof/Spec Svcs - Purchased	88,911	140,083	329,400	254,000	254,000
2709 Rents & Leases - Computer SW	5,807	6,020	12,992	6,671	6,671
2710 Rents & Leases - Equipment	702	1,064			
2809 Rents and Leases-PC	1,655	1,358	2,600	2,600	2,600
2840 Special Dept Expense	6,499	6,464	60,000	15,000	15,000
2844 Training	5,003	6,533	8,146	8,146	8,146
2860 Library Materials	27,449	20,570	28,785	28,785	28,785
2931 Travel & Transportation	8,650	5,358	18,000	18,000	18,000
2932 Mileage	8,229	7,235	8,500	8,500	8,500
2941 County Vehicle Mileage	572	336	1,000	1,000	1,000
Total Services & Supplies	194,148	250,411	552,471	419,750	419,750
Charges From Departments					
5405 I/T Maintenance - Bldgs & Improvem	1,139	530	3,023	1,523	1,523
5552 I/T - MIS Services	85				
5844 I/T Training	150				
Total Charges From Departments	1,374	530	3,023	1,523	1,523
Gross Budget	1,891,478	2,190,173	2,990,461	2,863,871	2,863,871
Less: Charges to Departments					
5002 I/T - County General Fund	(552,179)	(657,886)	(821,280)	(821,280)	(821,280)
5004 I/T - Road Fund	(30,006)				
5008 I/T - County Office Bldg Fund	(20,238)	(16,014)			
Total Charges to Departments	(602,423)	(673,900)	(821,280)	(821,280)	(821,280)
Net Budget	1,289,055	1,516,273	2,169,181	2,042,591	2,042,591
Less: Revenues					
8120 Legal Services - Insurance	(493,107)	(585,326)	(542,630)	(542,630)	(542,630)
8122 Legal Services	(107,473)	(93,170)			
8212 Other General Reimbursement		(37)			
8753 Other Sales	(24,191)	(2,845)			
8764 Miscellaneous Revenues	(2)	(26)			
Total Revenues	(624,773)	(681,404)	(542,630)	(542,630)	(542,630)

County Counsel

General Fund

Fund: 100

Subfund: 0

Appropriation: 10450

Budget
Category
(1)

Actual
2001-02
(2)

Actual
2002-03
(3)

Dept Req
2003-04
(4)

CEO Rec
2003-04
(5)

BOS
Adopted
2003-04
(6)

Net County Cost

664,282

834,869

1,626,551

1,499,961

1,499,961